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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/758,060 | 01/10/2001 | Normand R. Marceau | 19364-085334 | 8358 |

28886 7590 03/06/2003

CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT, MI 48226

EXAMINER

BOYD, JENNIFER A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1771

DATE MAILED: 03/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,060

Applicant(s)

MARCEAU ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1 - 6 in Paper No. 8 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Byma et al. (US 6,322,658).

Byma et al. is directed towards a method for making a composite headliner (Abstract).

As to claim 1, Byma teaches a headliner comprising a laminate including an inner layer 16, equated to the Applicant's "core layer", sandwiched between two outer or reinforcing layers 18 and 20, equated to the Applicant's "bi-component layers (upper and lower)" (See Figure 2 and column 2, lines 41 – 47). The inner layer, or "core layer", can be a polyester non-woven with a density range of 200 – 800 g/m² (5.9 – 23.6 oz/yd²) with a thickness range of 0.5 – 20 mm, and preferable thickness range of 0.5 – 15 mm (column 2, lines 48 – 51, 54 – 57 and 65 – 67 and column 3, line 1). The reinforcing layers, or "bi-component layers", can be a polyester non-woven with a preferred density range of 100 - 800 g/m² (2.9 – 23.6 oz/yd²) with a thickness

Art Unit: 1771

range of 0.5 – 10 mm, and preferable thickness range of 0.5 – 5 mm (column 3, lines 15 – 34). The Applicant requires that the “core layer” is comprised of loosely intertangled fibers and the “bi-component layers” are comprised of densely intertangled fibers. In order to understand the meaning of “loosely” and “densely” intertangled fibers, the Examiner looked to the Applicant’s Specification. According to the Applicant’s Specification, the inner layer, or “core layer”, and the reinforcing layers, or “bi-component layers”, of Byma have the same density range as specified by the Applicant. The Applicant explains that the layers become more densely packed as the material is needled more cycles making the layers decrease in thickness. Byma teaches that the inner layer, or “core layer”, is thinner than the reinforcing layers, or “bi-component layers”, therefore, the inner layer is densely packed and the reinforcing layers are loosely configured.

As to claim 2, Byma teaches a cover member, equated to the Applicant’s “outer covering layer”, which is attached to a reinforcing layer, or “bi-component layer” (column 3, lines 35 – 41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byma et al. (US 6,322,658) in view of Juriga (US 5,565,259)

Art Unit: 1771

As to claim 3, Byma teaches that one of the reinforcing layers 18 and 20, or "bi-component layers", are attached to the upper and lower surfaces of the inner layer 16, or "core layer" by means of an adhesive (column 4, lines 26 – 31). As to claim 4, Byma teaches that the headliner can have a plurality of inner layers, or "core layers" (column 3, lines 3 – 5).

As to claims 3 and 4, Byma fails to teach that the adhesive used between the layers can be a web adhesive.

Juriga is directed to a self-supporting impact resistant laminate which can be used as a vehicle headliner (column 1, lines 13 – 25). Juriga teaches that the laminate layers are held together using an adhesive web (column 3, lines 1 – 9 and lines 15 – 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the web adhesive of Juriga as the adhesive in the invention of Byma motivated by the desire to provide structural stability to laminates without adding excessive weight (Juriga, column 3, lines 1 – 10).

As to claim 5, Byma teaches that the reinforcing layers 18 and 20, or "bi-component layers", comprise a blend of non-woven fibers and about 20 – 50% binder material (column 3, lines 15 – 20). The non-woven fibers can be polyester (column 3, lines 20 – 24). Suitable binder materials include bi-component polyester fibers (column 3, lines 13 – 15). Byma discusses that the reinforcing layers, or "bi-component layers", may require different heating times or temperatures to sufficiently melt the relatively low melting temperature component of the binder fibers (column 4, lines 35 – 45). Thus, it is implied that the bi-component binder fibers are

Art Unit: 1771


comprised of high melt fibers and low melt fibers which comprise 20 – 50% of the total amount of fibers.

As to claim 6, Byma teaches that all components of the headliner laminate are formed of 100% recyclable materials (column 2, lines 54 – 58; column 3, lines 19 – 24; column 3, lines 35 – 40; column 4, lines 26 – 31).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jennifer Boyd
February 27, 2003

